

# **EXHIBIT D**

CURRICULUM VITAE OF  
DAVID TYKULSKER, ESQ.

PROFESSIONAL OFFICE

DAVID TYKULSKER & ASSOCIATES  
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BAR ADMISSIONS

New Jersey	1983
New York	1983
U.S. District Court for New Jersey	1983
U.S. District Court for the Southern District of New York	1984
U.S. District Court for the Eastern District of New York	1984
U.S. Circuit Court for the Third Circuit	1988
U.S. Supreme Court	2000

PROFESSIONAL HISTORY

Attorney in private practice since 1983.

Founder and proprietor of David Tykulsker & Associates since 1996.

Partner in Ball, Livingston & Tykulsker 1986 - 1996.

Union clients include the United Auto Workers, the United Steelworkers, PACE, the Oil, Chemical and Atomic Workers, the International Federation of Professional and Technical Engineers, the Amalgamated Clothing and Textile Workers, the International Union Of Electrical, Electronic and Professional Workers, Service Employees International Union, Police Benevolent Association, American Postal Workers Union, International Brotherhood Of Teamsters, Newark Firefighters Union and various other unions.

Benefit fund clients have included the USW Local 318 Health and Welfare Fund, the Paper-Industry Union Management Pension Fund, the American Postal Workers Union Health Fund and the Local 32 B-J North Health Benefit Fund.

Public clients include the County of Passaic.

Environmental clients have included the New Jersey Environmental Federation and numerous citizens groups.

Individual clients have been represented in federal and state courts, the Office of Administrative Law and numerous administrative agencies.

New Jersey Supreme Court Certified Workers Compensation Attorney

Special Counsel to the New Jersey Industrial Union Council, AFL-CIO on Safety, Health and Environmental matters.

General Counsel, Work Environment Council of New Jersey, Inc. [www.njwec.org](http://www.njwec.org)

Member of the New Jersey Commissioner of Labor Advisory Council on Workers' Compensation 1995 to 2000.

#### SELECTED PUBLISHED DECISIONS

Lomack v. City of Newark, 463 F.3d 303 (3d Cir. 2006)

Smith v. Contini, 205 F.3d 597 (3d Cir.), cert. denied, 531 U.S. 875; 121 S.Ct. 180; 148 L.Ed. 2d 124 (2000), on remand, 2003 U.S. Dist. LEXIS 14336 (D.N.J. 2003);

Taylor v. Continental Group, 933 F.2d 1227 (3d Cir. 1991)

Loretangelli v. Critelli, 853 F.2d 186 (3d Cir. 1988)

International Union, UAW v. Amerace Corp., 740 F. Supp. 1072 (D.N.J. 1990), aff'd without opinion, 931 F.2d 50 (3d Cir. 1991)

In re Golden Distributors, 152 B.R. 35 (S.D.N.Y. 1992)

Brady v. Board Of Review, 152 N.J. 197 (1997)

Allen v. Fauver, 327 N.J. Super. 14 (App.Div. 1999), aff'd, 167 N.J. 69 (2000)

Akef v. BASF, 275 N.J. Super. 30 (App.Div. 1994), aff'd, 140 N.J. 408 (1995), subsequent opinion, 305 N.J. Super. 333 (App.Div. 1997)

Stevens v. N.J. Transit Rail Operations, 356 N.J. Super. 311 (App.Div. 2003)

Walsh v. RCA/General Electric, 334 N.J. Super. 1 (App.Div. 2000)

Williams v. Topps Appliance City, 239 N.J. Super. 528 (App.Div. 1989)

DeSantis v. Employees Of Passaic County Welfare Association, 237 N.J. Super. 530 (App.Div. 1986)

CPS Chemical Co., 324 NLRB 1018 (1997)

Passaic County Board Of Social Services, 23 NJPER (LRP) P28,201 (1997)

Passaic County Board Of Social Services, 22 NJPER (LRP) P27,097 (1996)

Employees Of Passaic County Welfare Association, (BRADBURY), 22 NJPER (LRP) P27,001 (1995)

University of Medicine and Dentistry of New Jersey, 10 NJPER (LRP) P15,198 (1984)

#### PROFESSIONAL CERTIFICATION

Certified by the New Jersey Supreme Court in the first group of Workers' Compensation attorneys, 1998, recertified 2006

#### SELECTED PRESENTATIONS

“ERISA/NLRB Primer for Employment Lawyers- What These Laws Offer Your Employment Clients” - Association of Trial Lawyers of New Jersey Meadowlands Seminar, October 19, 2007

“The Family and Medical Leave Act for Health Professionals” - Health Professional and Allied Employees, September, 2007

“ADA and FMLA for Union Officials” - Education Conference, District 4 United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO/CLC, August, 2007

“Americans With Disabilities Act” - Passaic County Board of Social Services, June, 2007

“Information Requests Regarding Employer Finances at the NLRB” - AFL-CIO Lawyers Coordinating Committee, Chicago, April 26, 2007

“Background Checks and Security - Issues for Unions” - NJ Work Environment Council, Conference on Developments On Chemical Safety & Security March 27, 2007

“Workers Compensation” workshop - New Jersey Education Association Health & Safety Conference October 21, 2006

“Workers Compensation Motion Practice” - New Jersey Institute of Continuing Legal Education October 12, 2006, repeated and revised October 20, 2007

“Defending Our Right To Know - Saving The Open Public Records Act” - New Jersey Work Environment Council Annual Membership Meeting October 6, 2005

“Workers Compensation - Working In A Flawed System” - New Jersey Education Association Health And Safety Conference May 19, 2005

“Introduction To Discipline” - Passaic County Board of Social Services, April/May, 2005

“Handling A Workers Compensation Case” - November 6, 2004 - ATLA-NJ Educational Foundation

"This Year In Workers' Compensation - The Top 10 Issues and Cases" April 14, 2004- New Jersey Institute for Continuing Legal Education

#### TEACHING EXPERIENCE

Union Leadership Academy of Rutgers University – Multiple courses in various aspects of employment law including "Workplace And The Law I and II", "Labor Law I and II", "Public Employee Labor Relations", "Employment and Law" and "Discipline and Grievance Handling" 1998 to date

#### SELECTED PUBLICATIONS

"Prejudgment Interest Is Taxable", New Jersey Law Journal, February 18, 2002

"Wrongfully Terminated . . . and Taxed to Boot", New Jersey Law Journal, August 31, 1989

"Workplace Rights for the Undocumented Alien Worker", New Jersey Lawyer, Feb./March 1995

"How To Get Paid By Workers' Compensation", New Jersey Medicine, December 1993

"Help Campaign In New Jersey", Z Magazine, December 1992

#### SELECTED COMMUNITY ACTIVITIES

New Jersey Environmental Federation - Boardmember 1989 to date

Clean Water Action, Boardmember 1997 to date; Board Chair 2006 to date

Clean Water Action Vote Environment (CWave) - member 2004 to date

Friends of Jim Brennan (NY Assembly (D-44)), Treasurer, 2006 to date

Brooklyn Parents for Peace, Board of Directors 2002 to date, Vice Chair 2006 to date

#### EDUCATION

B.A. Amherst College, 1976, magna cum laude, major in Political Science  
Junior year at the London School of Economics

J.D. Columbia University School of Law, 1982  
Harlan Fiske Stone Scholar 1981 and 1982  
Samuel I. Rosenman Prize for Public Interest Law 1981  
Administrative Editor, Columbia Human Rights Law Review